

REMARKS

Claims 1-4, as amended, remain herein. Claims 3 and 4 are presently withdrawn from consideration.

This Amendment is believed to place this application fully in condition for allowance, and surely in better condition for any appeal. Thus, entry of this Amendment and allowance of claims 1 and 2 are respectfully requested.

1. Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) over Helmut JP 2000-350404. However, Helmut fails to disclose a motor base comprising a steel plate having a cylindrical motor mounting part and a stator core, such that the motor base, the cylindrical motor mounting part, and the stator core are integrally part of said steel plate. On the contrary, Helmut discloses a motor base 21 that is physically distinct from a hammer section 12 and a middle body 32 of the motor.

Regarding claim 2, Helmut fails to disclose that the motor base, cylindrical motor mounting part, and the stator core are all entirely formed of a single silicon steel plate. Although the Office Action states that claim 2 is a processing step not entitled to patentable weight, as amended, claim 2 is an article claim, thereby mooting this rejection.

In Helmut, the elements are physically distinct parts, while in applicants' claim 2, the elements are part of one plate. This increases product strength while decreasing cost.

Since Helmut fails to disclose every element of applicants' claims 1 and 2, Helmut is an inadequate basis for rejecting claims 1 and 2 under 35 U.S.C. § 102(b). Reconsideration and withdrawal of the rejection are respectfully requested.

Since Helmut fails to disclose every element of applicants' claims 1 and 2, Helmut is an inadequate basis for rejecting claims 1 and 2 under 35 U.S.C. § 102(b). Reconsideration and withdrawal of the rejection are respectfully requested.

For the foregoing reasons, all claims 1 and 2 are now fully in condition for allowance, which is respectfully requested. The PTO is hereby authorized to charge or credit any necessary fees to Deposit Account No. 19-4293. Should the Examiner deem that any further amendments would be desirable in placing this application in even better condition for issue, he is invited to telephone Applicant's undersigned representative.

Respectfully submitted,

STEPTOE & JOHNSON LLP

Date: February 23, 2009



Roger W. Parkhurst  
Reg. No. 25,177  
Adam C. Ellsworth  
Reg. No. 55,152

STEPTOE & JOHNSON LLP  
1330 Connecticut Ave., N.W.  
Washington, D.C. 20036  
Tel: (202) 429-3000  
Fax: (202) 429-3902

Attorney Docket No.: 28951.5422